

Program B: Civil Law

Program Authorization: General: La. Constitution, Article IV, Section 8; R.S.36:704(D) (Civil Division); R.S. 36:704(C) (Public Protection Division).

PROGRAM DESCRIPTION

The mission of the Civil Law Program is to serve the citizens of the State of Louisiana through courteous and competent employees; and to provide superior legal representation and prompt and accurate legal advice and information on behalf of the State of Louisiana and to all clients of the program in the general areas of civil law and public protection.

The goal of the Civil Law Program is to provide superior legal services and public protection services on behalf of the State of Louisiana through the Civil Division and the Public Protection Division.

The Civil Program includes two activities (expressed as organizational divisions): the Civil Division and the Public Protection Division.

The Civil Division defends the constitution and laws of the State of Louisiana and provides information and legal services in the areas of government law, collection law, land and natural resources law, and public finance and contract law. The Civil Division is composed of the Governmental Litigation Section, the Collections Section, the Education/Interagency Transfer Section, the Lands and Natural Resources Section, and the Public Finance and Contracts Section.

- The Governmental Litigation Section defends the state in constitutional challenges to state laws and defends state agencies and elected officials in civil claims where torts are not involved. The work of this section includes state and federal litigation, drafting legal opinions to local and state officials and entities, legal representation of boards and commissions, legal advice and management of the tobacco settlement, and legal advice and education to the state's justices of the peace and constables. Examples of this section's litigation include the defense of legislative districts from reapportionment, defense of the state's abortion laws, defense of the state's insurance laws (such as impoundment and "no pay/no play"), and assistance to other sections and programs of the department (such as the video poker parish election litigation). Legal opinions written by this section cover a broad spectrum of questions, from open meetings, public records, dual office holding, compliance with state law, to local municipal law and elections. This section is also responsible for submission of state laws to the U.S. Department of Justice for administrative approval under Section 5 of the Voting Rights Act.
- The Collections Section provides legal representation to 16 of Louisiana's public colleges and universities, the State Department of Education, the Board of Regents, and the Office of Student Financial Assistance in the collection and litigation of defaulted educational loan/benefits. The work of this section includes over 11,556 accounts valued in excess of \$33.7 million, which are currently placed for collection. This section relies upon self-generated revenues for its operation.
- The Education/Interagency Transfer Section provides legal representation to the Board of Elementary and Secondary Education, the Board of Regents, the State Department of Education, the Louisiana Community and Technical College System, and various other public agencies on education-related litigation. The work of this section includes, for example, representation of the Board of Regents in the higher education desegregation litigation, advice concerning implementation of charter school legislation, representation of the Attorney General's Office on School Discipline and Safety Task Force, and defense of the constitutionality of the creation of the Baker School Board, and defense of various statutes permitting state aid for parochial schools. The Education Section responds to requests for attorney general opinions from the various state and local education boards on issues related to elementary, secondary, and higher education. This section has also been assigned various duties concerning implementation of drug testing legislation. It represents various agencies in litigation challenging drug testing programs and provides legal advice concerning the implementation and structure of such programs. It is currently defending the constitutionality of legislation creating the drug testing program for elected officials. This section also supervises attorneys in various state departments, including Treasury, Labor, State, Public Safety and Correction, and in the Louisiana Housing Finance Authority, and Office of the State Inspector General. Attorneys in the Interagency Transfer Section represent their agencies in a variety of capacities, including confidential assistant and general counsel, and perform general litigation defense and draft legal opinions.
- The Lands and Natural Resources Section advises and renders legal support to state agencies, levee boards, commissions, and other political subdivisions pertaining to lands, water bottoms, boundaries, accretion and erosion, oil and gas, public rights of use and access, sale and acquisition of lands expenditure of public funds, and related activities. It defends the title of the state in its political subdivisions to land and water bottoms and safeguards the interests of the state in lands and mineral transactions involving publicly owned lands and water bottoms. The work involves the defense of claims and actions to protect public property valuable to the state for oil, gas, mineral production, and recreational purposes, including boundary claims related to both river action and accretion and related oil and gas production. Another function of the section is the recovery of claims against oil and gas leases for improper payment or underpayment of royalties from production due on state leases, such as the litigation against Texaco.
- The Public Finance and Contracts Section enables attorneys in the Office of the Attorney General to specialize and provide competent, professional representation on public finance matters to statewide elected officials (such as the Treasurer) as well as other state boards and commissions (including the State Bond Commission, the Louisiana Housing Finance Authority, the Architects Selection Board, the Engineers Selection Board, and the Office Facilities Corporation.) The work of this section includes preparation or review of all legal documents required for issuance of state general obligation bonds, review of revenue bond issues of the state (including issues of the Transportation Trust Fund and the Office Facilities Corporation), provision of legal counsel to the State Bond Commission and legal assistance to the Division of Administration in connection with acquisition of real estate and annual

capital outlay bills. Opinions rendered by this section center around areas of taxation, public finance, public bid law, and contracts. This section also prepared legal services contracts and representation agreements on behalf of the Department of Justice, approves professional legal services contracts entered into by state agencies, boards and commissions, and approves the employment of special counsel by political subdivisions.

The Public Protection Division asserts and protects the State of Louisiana's interests by providing legal services in the general areas of consumer protection/environmental law, insurance receivership law, and fair housing law. The Public Protection Division is composed of the Consumer Protection/Environmental Section, the Insurance and Securities Section, and the Equal Opportunity Section.

- The Consumer Protection/Environment Section has the responsibilities of enforcing consumer protection laws in Louisiana and serving as a public trustee in connection with conserving, protecting, and replenishing Louisiana's natural resources.
In the consumer protection area, this section was granted authority under Louisiana's Unfair Trade Practice Act (R.S. 51:1401 et seq.) to conduct investigations as necessary when the Office of the Attorney General has reason to believe that an unfair or deceptive trade practice has taken place, is taking place, or is about to take place. (In connection with this authority, the section has joined with local officials in the investigation of several chain distribution schemes, has investigated mail order schemes in violation of U.S. postal inspection regulations, and has conducted investigations with the used Motor Vehicle and Parts Commission on several used automobile businesses, resulting in removal of license and attachment by the Internal Revenue Service. The section has also successfully litigated several registration enforcement cases.) The section conducts consumer awareness seminars throughout the state on such subjects as shoplifting, fraud, theft, and other deceptive trade practices. An important focus of the section is mediation and investigation of consumer complaints and inquiries. This section is also charged with the enforcement of antitrust and related laws relative to the regulation of trade and commerce. This includes, but is not limited to, the protection of the welfare of small business interests and the interests of any persons injured by antitrust violations and conspiracies in restraint of trade and other patterns of organized business extortion and theft.
- In the environmental area, this section assists the attorney general in the discharge of his duties under the Environmental Quality Act and in connection with the constitutional responsibility and power of the attorney general as chief legal officer of the state to institute, prosecute, or intervene in any civil action in order to assert or protect a state natural resource interest. The section prepares opinions, analyzes legislation, and advises officials and employees of the Departments of Natural Resources, Environmental Quality, Public Safety and Corrections, Wildlife and Fisheries, Culture, Recreation and Tourism, and Agriculture and Forestry; the U.S. Corps of Engineers; and other interested federal and state agencies or subdivisions. Staff personnel attend hearings throughout the state and visit problem sites and meet with representatives of both government and industry to seek resolution of environmental problems. Staff personnel also respond to inquiries and complaints from citizens and coordinate these with governmental action and appropriate agencies. (This section has played a prominent role in administrative litigation involving shell dredging; defense of key environmental legislation requiring limitations on land disposal of hazardous waste in a municipal landfill near Monroe; attempts to force the federal government to comply with state coastal zone regulations in connection with offshore leasing by the U.S. Department of the Interior; and numerous administrative enforcement actions involving assessed penalties against environmental violators in Louisiana.)
- The Insurance and Securities Section has direct involvement in and primary knowledge of every insurance liquidation in Louisiana. This section performs legal work, supervises contract counsel, and works with the Department of Insurance. Staff personnel conduct research in insolvency cases and maintain a proactive position in the area of insurance litigation. This section reviews legal bills of contract attorneys, incorporates terms of engagements and development with contract attorneys and the Department of Insurance case management plans for each liquidation. The section relies totally upon self-generated revenues for its operation.
- The Equal Opportunity Section is responsible for the administration and enforcement of the Louisiana Equal Housing Opportunity Act. This section is active in investigations, conciliations, and judicial enforcement of fair housing claims. Staff personnel cooperate with the federal government in the enforcement of statutes prohibiting discrimination in public accommodation based on an individual's race, color, national origin, religion, sex, handicap, or familial status. The section also provides information to Louisiana citizens on their rights regarding the renting and/or purchase of dwellings under the Louisiana Equal Housing Opportunity Act and the federal Fair Housing Act.

OBJECTIVES AND PERFORMANCE INDICATORS

Unless otherwise indicated, all objectives are to be accomplished during or by the end of FY 2000-2001. Performance indicators are made up of two parts: name and value. The indicator name describes what is being measured. The indicator value is the numeric value or level achieved within a given measurement period. For budgeting purposes, performance indicator values are shown for the prior fiscal year, the current fiscal year, and alternative funding scenarios (continuation budget level and Executive Budget recommendation level) for the ensuing fiscal year (the fiscal year of the budget document).

The objectives and performance indicators that appear below are associated with program funding in both the Base Executive Budget and Governor's Supplementary Recommendations for FY 2000-01. This supplementary recommendation represents 25.2% of the total funding recommendation for this program. Specific information on program funding is presented in the financial sections that follow performance tables. Specific effects of this funding recommendation on individual objectives and performance indicators have not been determined by the budget unit.

1. (KEY) To maintain a 42-day average total receipt-to-release time for opinions and maintain a 27-day average response time for research and writing opinions.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Explanatory Note: As of 1998, the Office of the Attorney General instituted a new computer tracking program for opinions. This program was written to track the amount of time from the receipt of an opinion request until the release of an opinion by the office. Prior to the implementation of this computer tracking system, opinion processing time was calculated by hand and only the amount of time an attorney used to research and write an opinion was calculated. Under that manual tracking system, the average 30-day response time (which was calculated as the writing period) was targeted to be decreased to 27 days in the department's FY 1998-99 operational plan and this was accomplished. However, the supervisory review of all opinions is a very important aspect of opinion writing. Since it does affect the total amount of time it takes to release an opinion, it was included in the department's outcome measure for Operational Plan FY 1999-00; further, it was targeted for decrease to 15 days. The FY 2000-01 objective is to maintain these accomplishments.

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Average response time for attorney to research and write opinions (in days) ¹	Not applicable ²	21	27	27	27	27
K	Average total time from receipt to release of an opinion (in days) ³	Not applicable ⁴	45	42	42	42	42

¹ The name of this indicator has been revised slightly from FY 1999-00, when it was "average completion time for attorney to research and write opinions (in days)". There is no change from FY 1999-00 in what the indicator measures or how the measurement is calculated. In FY 1998-99 there was an indicator entitled "Average response time for processing attorney general (AG) opinions assigned to Civil Law Program (in days)" that had a performance standard of 27 and included only response time for an attorney to research and write opinions. For that reason, an equivalent FY 1998-99 performance standard of 27 for this performance indicator can be identified.

² This performance indicator was used for the first time in FY 1999-00. It did not appear under Act 19 of 1998 and has no performance standard for FY 1998-99.

³ This indicator includes and reflects the average supervisory review time for an opinion. For FY 1999-00, average supervisory review time for opinions (in days) was shown as a separate performance indicator and targeted for reduction. However, breakout of supervisory review time was not made in FY 2000-01 since both attorney response time and supervisory review time are included in this total time indicator.

⁴ Although this performance indicator appeared under Act 19 of 1998, the method of calculation for the performance standard and performance actuals was different from the method of calculation used in FY 1999-00 and FY 2000-01. In FY 1998-99, average total time included only the response time for an attorney to research and write opinions; as of FY 1999 00, average total time includes both opinion research and writing and supervisory review.

GENERAL PERFORMANCE INFORMATION: ATTORNEY GENERAL OPINIONS

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL CY 1994 ¹	PRIOR YEAR ACTUAL CY 1995 ¹	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99
Number of opinions requested ²	646	516	650	570	433
Number of opinions withdrawn	198	3	44	69	12
Number of opinions released	528	215	249	419	306
Average response time for attorney to research and write opinions (in days)	30 ³	30 ³	30	28	21
Average total time from receipt to release of an opinion (in days)	Not available ⁴	Not available ⁴	Not available ⁴	45	36

¹ Data were reported on a Calendar Year (CY) basis prior to FY 1996-97.

² These numbers include opinions for the all Department of Justice divisions, since the Civil Law Program must review all of these opinions and this review is factored into average total time from receipt to release of an opinion.

³ Based on estimates.

⁴ As of 1998, the Office of the Attorney General instituted a new computer tracking program for opinions. This program was written to track the amount of time from the receipt of an opinion request until the release of an opinion by the office. Prior to the implementation of this computer tracking system, opinion processing time was calculated by hand and only the amount of time an attorney used to research and write an opinion was calculated.

Note: Currently, computer research of Louisiana Attorney General opinions is available through "WESTLAW" from January 1977 to present and through "LEXIS" from September 1974 to present. The Louisiana Senate also has Attorney General opinions on its computer system from 1990 to present.

2. (KEY) Through the Civil Division, to retain in-house 98% of the litigation cases received during the fiscal year.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Percentage of cases handled in-house each fiscal year	90%	99.5% ¹	90%	90%	98%	98%
K	Number of cases received ²	2,222	1,200 ²	Not applicable ²	1,200 ²	1,200 ²	1,200 ²
K	Number of cases contracted to outside firms each fiscal year ³	222 ⁴	6 ³	Not applicable ⁵	2 ³	19 ⁶	19 ⁶

¹ This yearend actual figures differs from the 90% reported in the department's LaPAS fourth quarter performance progress report since the figure for number of cases received in FY 1998-99 has been recalculated by the department on the basis of fourth quarter information from the department's new case tracking system. See following footnote.

² Although this performance indicator appeared under Act 19 of 1998 and had a performance standard for FY 1998-99, it did not appear under Act 10 of 1999 and has no performance standard for FY 1999-00. The figure reported for existing performance standard is an estimate, not a standard. The department's case tracking system, which was completed in the fourth quarter of FY 1998-99, showed an average of 150 cases per month assigned to the Civil Division. The department's first quarter of FY 1999-00 was below this average, at 50 cases per month assigned to the Civil Division. Therefore, the estimate for FY 1998-99 prior year actual and projections for FY 1999-00 and FY 2000-01 are based on an average of 100 cases per month. Similarly, the estimated FY 1998-99 actual shown above does not agree with the yearend actual reported in LaPAS. By the end of FY 1999-00, the department will have actual numbers for the cases received for that fiscal year.

³ Those cases referred to outside counsel for FY 1996-97, FY 1997-98, and FY 1998-99 included the tobacco litigation, asbestos litigation, Ward-McIlhenny litigation, Shell litigation, McNeese State University trademark litigation, and MFP litigation. Those cases that remain outstanding on contract for FY 1999-00 include the Shell litigation, asbestos litigation, and the McNeese State University trademark case. The Civil Division has also contracted to outside counsel in the first quarter of FY 1999-00 the partial birth abortion litigation and the insurance receivership litigation.

⁴ The FY 1998-99 performance standard of 222 is based upon a calculation of 10% of an anticipated number of 2,200 cases to be received in the Civil Division. However, only 6 cases were contracted out, representing less than 1% of the total cases received (as recalculated by the department using data from the new case tracking system).

⁵ Although this performance indicator appeared under Act 19 of 1998 and had a performance standard for FY 1998-99, it did not appear under Act 10 of 1999 and has no performance standard for FY 1999-00. The figure reported for existing performance standard is an estimate, based on the number of cases contracted to outside counsel as of November 1999.

⁶ Ninety-eight percent (98%) of the projected 1,200 cases to be received during FY 2000-01 is 24. Since the department has five cases outstanding on contract for the first quarter of FY 1999-00, the department projects that no more than 19 cases will be contracted out for FY 2000-01.

3. (SUPPORTING) Through the Civil Division, to continue to process contracts within an average of 12 days; resolutions, amendments, and public bond approvals within an average of 6 days; and garnishments within an average of 15 days.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Explanatory Note: Contracts include those prepared on behalf of the Department of Justice, those entered into by state agencies, boards, and commissions, and those employing special counsel by political subdivisions. Public bond approvals are known as TEFRA's. TEFRA is an acronym for Tax Equity and Fiscal Responsibility Act. Garnishments include payments of funds from the state treasury that would otherwise go to state employees or third persons but are sometimes garnished by creditors of the state employees or third persons.

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
S	Average processing time for contracts (in days)	12	12	12	12	12	12
S	Average processing time for resolutions, amendments, and TEFRA's (in days)	6	5	6	6	6	6
S	Average processing time for garnishments (in days)	15	12	15	15	15	15

GENERAL PERFORMANCE INFORMATION: CONTRACTS, RESOLUTIONS, AMENDMENTS, AND GARNISHMENTS			
PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99
Number of contracts reviewed and processed	200 ¹	206	161
Number of resolutions reviewed and processed	230 ¹	375	348
Number of amendments reviewed and processed	20 ¹	80	86
Number of TEFRA's (public bond approvals)	10 ¹	15	37
Number of garnishments reviewed and processed	100 ¹	78	98

¹ Based on estimates.

4. (KEY) Through the Collections Section of the Civil Division, to collect an average of \$3,000,000 in outstanding student loans each fiscal year.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Explanatory Note: Funds recovered by the Collections Section are directly affected by the age, number, and type of cases in the section's portfolio. In some years, the section has been able to collect more money than others, depending on whether or not the section has received many new accounts and whether the section has had great numbers of accounts that have been recalled during the course of the fiscal year. Realistically, the section will eventually deviate from its continued upward trend of recoveries because the section will not always have as many accounts coming in for collection as are going out.

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Number of outstanding student loan cases closed	3,500	4,139	Not applicable ¹	2,500 ¹	2,500	2,500
K	Total collections from outstanding student loan cases	\$3,750,000	\$4,550,123	Not applicable ¹	\$3,000,000 ¹	\$3,000,000	\$3,000,000

¹ Although this performance indicator appeared under Act 19 of 1998 and had a performance standard for FY 1998-99, it did not appear under Act 10 of 1999 and has no performance standard for FY 1999-00. The figure reported for existing performance standard is an estimate, not a standard.

GENERAL PERFORMANCE INFORMATION: COLLECTIONS SECTION

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1995-96	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99
Number of pending cases	14,226	16,778	16,842	13,851
Number of cases closed	7,590	3,460	4,256	4,139
Total collections ¹	\$3,167,967	\$3,354,971	\$3,576,666	\$4,550,123

¹ Prior to FY 1995-96, collection amounts were recorded on a calendar year basis. On a calendar year basis, collections from 1991 through 1994 were: 1991 - \$1,701,636; 1992 - \$1,911,967; 1993 - \$2,411,391; and 1994 - \$2,852,417.

5. (SUPPORTING) Through the Civil Division and Public Protection Division, to continue to process and respond to 100% of the duty calls received during the fiscal year.

Strategic Link: This objective is related to the program's Strategic Goal I: *Provide superior and professional services on behalf of the State of Louisiana through the Civil Program.*

Explanatory Note: Every working day of the fiscal year an attorney from the Civil Program is on duty to receive, process, and respond to the questions--legal or nonlegal--from the general public. Tasks include telephone responses, research, mail-outs, and assistance with walk-ins. Twenty training meetings related to duty calls are held each year.

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
S	Percentage of duty calls processed and responded to each fiscal year ¹	Not applicable ²	100%	100%	100%	100%	100%
S	Number of duty calls received ¹	8,000	7,086	Not applicable ³	7,500 ³	7,500	7,500
S	Number of research and mailouts performed ¹	Not applicable ⁴	621	Not applicable ⁴	700 ⁴	700	700

¹ Performance tracking for duty calls has improved. However, tracking is done by hand and therefore every duty matter is not always accounted for or reflected in these figures. Projections are based on actual numbers tracked in FY 1998-99.

² This performance indicator was new for FY 1999-00. It did not appear under Act 19 of 1998 and did not have a FY 1998-99 performance standard.

³ This performance indicator appeared under Act 19 of 1998 but did not appear under Act 10 of 1999. It has no performance standard for FY 1999-00 and the existing performance standard value is an estimate not a standard.

⁴ This is a new performance indicator that did not appear under Act 19 of 1998 or Act 10 of 1999. It has no performance standards for FY 1998-99 or FY 1999-00 and the existing performance standard value shown is an estimate not a standard.

6. (KEY) Through the Insurance and Securities Section of the Public Protection Division, to handle in-house 75% of the cases, claims, and proceedings involved in receivership during the fiscal year.

Strategic Link: This operational objective is related to the program's Strategic Objective V.2: *Increase in-house representation in receivership and insurance regulatory matters by June 30, 2003.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Percentage of cases, claims, and proceedings involving receivership that are handled in-house	Not applicable ¹	81%	75%	75%	75%	75%
K	Total number of cases, claims, and proceedings involving receivership	Not applicable ¹	244	275 ²	275 ²	200	200

¹ This was a new indicator for FY 1998-99. It did not appear under Act 19 of 1998 and had no FY 1998-99 performance standard.

² Although the FY 1999-00 performance standard for this indicator is 275, the department indicates in its FY 1999-00 First and Second Quarter Performance Progress Reports that it currently anticipates the yearend total to be 200.

GENERAL PERFORMANCE INFORMATION: RECEIVERSHIP CASES

PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1994-95	PRIOR YEAR ACTUAL FY 1995-96	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99
Total number of cases, claims, and proceedings involving receivership that are handled in-house ¹	Not available ²	Not available ²	Not available ²	206	198
Total number of cases, claims, and proceedings involving receivership that are handled by the attorney general and contract counsel ¹	Not available ²	Not available ²	Not available ²	2	2
Total number of cases, claims, and proceedings involving receivership that are handled by contract counsel ¹	Not available ²	Not available ²	Not available ²	68	51
Number of billings of outside counsel for liquidations reviewed	1,791	849	413	240	181
Average turnaround time for review and certification of submitted bills	7	7	7	7	7
Amount of contract attorney fees and expenses certified (in \$)	\$3,787,584	\$1,374,744	\$1,221,337	\$930,534	\$496,805
Number of companies for which section provided some type of legal service	36	53	50	39	37
Number of hours billed by staff	6,016	5,426	4,605	4,274	3,450
Dollar amount of hours billed by staff	\$506,945	\$462,174	\$420,403	\$415,179	\$346,549
Funds collected for legal services rendered	\$447,854	\$438,309	\$397,095	\$416,217	\$209,707
Number of insurance estates closed and finalized	3	18	13	4	13
Number of companies placed in receivership by attorneys	6	0	1	0	1

¹ These indicator values reflect cases that may have started as contract cases but then were brought in as in-house cases. Therefore, the numbers for each of the three categories do not equal the total number of cases reflected in the standard performance indicator table above.

² Data were not available for these prior years.

7. (SUPPORTING) Through the Insurance and Securities Section of the Public Protection Division, to provide 5 hours of in-house training activities and workshops for all attorneys and paralegals.

Strategic Link: This operational objective is related to the program's Strategic Goal V: *Provide competent and quality legal representation and counsel in insurance receivership matters and other insurance regulatory matters.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
S	Percentage of section staff receiving in-house training	Not applicable ¹	100%	100%	100%	100%	100%
S	Number of hours of in-house training provided	Not applicable ¹	5	5	5	5	5
S	Percentage of section staff indicating satisfaction with in-house training provided	Not applicable ¹	100%	100%	100%	100%	100%

¹ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and had no FY 1998-99 performance standard.

8. (SUPPORTING) Through the Equal Opportunity Section of the Public Protection Division, to provide 6 hours of in-house training activities and workshops for all attorneys and compliance officers.

Strategic Link: This operational objective is related to the program's Strategic Strategy VI.1.1: *Provide in-house seminars and training sessions regarding fair housing laws which the staff is responsible for enforcing.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
S	Percentage of section staff receiving in-house training	Not applicable ¹	100%	100%	100%	100%	100%
S	Number of hours of in-house training provided	Not applicable ¹	6	6	6	6	6

¹ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and had no FY 1998-99 performance standard.

9. (SUPPORTING) Through the Equal Opportunity Section of the Public Protection Division, to promote greater awareness of fair housing laws among the public and the regulated community by providing 50 educational seminars for realtors and other factions of the regulated community and 20,000 pieces of literature and educational material.

Strategic Link: This operational objective is related to the program's Strategic Objective VI.2: *To provide greater awareness of fair housing laws to the public and the regulated community through education and outreach programs by June 30, 2003.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
S	Number of seminars conducted	Not applicable ¹	75	40	40	50	50
S	Amount (number of pieces) of educational literature distributed	Not applicable ¹	24,066	11,314	11,314	20,000	20,000

¹ This was a new performance indicator for FY 1999-00. It did not appear under Act 19 of 1998 and had no FY 1998-99 performance standard.

10. (KEY) Through the Equal Opportunity Section of the Public Protection Division, to close 75% of its enforcement cases within 120 days.

Strategic Link: This operational objective is the program's Strategic Objective VI.1: *To maintain and/or increase the staff's closure rate of fair housing complaints by developing greater expertise.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Percentage of cases closed within 120 days	Not applicable ¹	42%	Not applicable ¹	45% ¹	75%	75%

¹ This is a new performance indicator that did not appear under Act 19 of 1998 or Act 10 of 1999 and had no performance standards for FY 1998-99 or FY 1999-00. The existing performance standard value is an estimate not a standard.

GENERAL PERFORMANCE INFORMATION: EQUAL OPPORTUNITY SECTION		
PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99
Number of cases received	69	82
Number of cases closed	67	69

11. (KEY) Through the Consumer Protection Section of the Public Protection Division, to file a minimum of 95 Unfair Trade Practice enforcement actions.

Strategic Link: This operational objective is related to the program's Strategic Goal IV: *Ensure a fair and equitable environment in which consumers and business coexist.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Number of enforcement actions filed	90	74	95	95	95	95

12. (KEY) Through the Consumer Protection Section of the Public Protection Division, to respond to consumer complaints within an average of 15 days of receipt.

Strategic Link: This operational objective is related to the program's Strategic Goal IV: *Ensure a fair and equitable environment in which consumers and business coexist.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
K	Average number of days to respond to consumer complaints ¹	27	17.5	Not applicable ²	15	15	15

¹ Consumer complaints are logged and tracked in the following categories: consumer/environmental complaints and automobile fraud complaints. For prior year actual information on consumer complaints, see the General Performance Information table below.

² This performance indicator appeared under Act 19 of 1998 and has an FY 1998-99 performance standard. However, it did not appear under Act 10 of 1999 and does not have a FY 1999-00 performance standard. The figure reported for the existing performance standard is an estimate not a standard.

GENERAL PERFORMANCE INFORMATION: CONSUMER COMPLAINTS			
PERFORMANCE INDICATOR	PRIOR YEAR ACTUAL FY 1996-97	PRIOR YEAR ACTUAL FY 1997-98	PRIOR YEAR ACTUAL FY 1998-99
Total number of complaints logged	2,120	2,120	2,781
Complaints logged, by type:			
Number of consumer/environmental complaints	Not available ¹	1,700	2,103
Number of automobile fraud complaints logged	Not available ¹	420	678

¹ Complaints were not logged or tracked by separate categories in FY 1996-97.

13. (SUPPORTING) Through the Consumer Protection Section of the Public Protection Division, to increase consumer awareness of unfair trade practices and consumer remedies by participating in 36 consumer outreach programs and distributing 12,000 educational materials.

Strategic Link: This operational objective is related to the program's Strategic Objective VI.2: *To provide greater awareness of fair housing laws to the public and the regulated community through education and outreach programs by June 30, 2003.*

Explanatory Note: Newsletter mailings have been discontinued since the consumer information formerly distributed via newsletter is now being provided on the Department of Justice website.

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
S	Number of consumer outreach programs	Not applicable ¹	47	22	22	36	36
S	Number of consumer brochures distributed	Not applicable ¹	9,970	5,500	5,500	12,000	12,000

¹ This was a new performance indicator in FY 1999-00. It did not appear under Act 19 of 1998 and had no FY 1998-99 performance standard.

14. (SUPPORTING) Through the Consumer Protection Section of the Public Protection Division, to provide 5 hours of in-house training activities and workshops for all attorneys and mediators.

Strategic Link: This operational objective relates to the program's Strategic Objective IV.2: *Improve the resolution of consumer complaints handled through the mediation process.*

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
S	Percentage of section staff receiving in-house training	Not applicable ¹	100%	100%	100%	100%	100%
S	Number of hours of in-house training provided	Not applicable ¹	5	5	5	5	5
S	Percentage of section staff indicating satisfaction with in-house training provided	Not applicable ¹	100%	100%	100%	100%	100%

¹ This was a new performance indicator in FY 1999-00. It did not appear under Act 19 of 1998 and had no FY 1998-99 performance standard.

15. (SUPPORTING) Through the Tobacco Enforcement Unit, to ensure compliance with Tobacco Master Settlement Agreement provisions by conducting 50 field checks on tobacco-sponsored special events and 100 random site checks on retail tobacco outlets.

Explanatory Note: This objective is associated with Tobacco Settlement Funds through the Louisiana Fund.

Explanatory Note: This objective replaces the FY 1999-00 objective "To develop a system for monitoring monthly activities of the participating manufacturers in the Master Settlement Agreement." The FY 2000-01 objective reflects the monitoring system that is being developed in FY 1999-00 and will be implemented for FY 2000-01 to ensure

LEVEL	PERFORMANCE INDICATOR NAME	PERFORMANCE INDICATOR VALUES					
		YEAREND PERFORMANCE STANDARD FY 1998-1999	ACTUAL YEAREND PERFORMANCE FY 1998-1999	ACT 10 PERFORMANCE STANDARD FY 1999-2000	EXISTING PERFORMANCE STANDARD FY 1999-2000	AT CONTINUATION BUDGET LEVEL FY 2000-2001	AT RECOMMENDED BUDGET LEVEL FY 2000-2001
S	Number of field checks conducted at tobacco-sponsored special events	Not applicable ¹	Not applicable ¹	Not applicable ¹	Not applicable ¹	50	50
S	Number of random site checks conducted at retail tobacco outlets	Not applicable ¹	Not applicable ¹	Not applicable ¹	Not applicable ¹	100	100

¹ This is a new performance indicator. It did not appear under Act 19 of 1998 or Act 10 of 1999 and has no performance standards for FY 1998-99 and FY 1999-00. Since the action measured by this indicator begins in FY 2000-01 (with the implementation of a monitoring system that is under development in FY 1999-00), there is no actual figure for FY 1998-99; nor is there an estimate for FY 1999-00.

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 1998-1999	ACT 10 1999- 2000	EXISTING 1999- 2000	CONTINUATION 2000 - 2001	RECOMMENDED 2000 - 2001	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$3,995,141	\$4,743,840	\$4,920,229	\$4,967,821	\$4,821,769	(\$98,460)
STATE GENERAL FUND BY:						
Interagency Transfers	826,019	893,015	893,015	905,446	908,501	15,486
Fees & Self-gen. Revenues	1,256,908	1,990,963	2,043,073	2,038,769	1,930,873	(112,200)
Statutory Dedications	0	331,215	331,215	340,794	339,859	8,644
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	221,377	255,760	255,760	264,572	258,626	2,866
TOTAL MEANS OF FINANCING	<u><u>\$6,299,445</u></u>	<u><u>\$8,214,793</u></u>	<u><u>\$8,443,292</u></u>	<u><u>\$8,517,402</u></u>	<u><u>\$8,259,628</u></u>	<u><u>(\$183,664)</u></u>
EXPENDITURES & REQUEST:						
Salaries	\$2,402,604	\$3,812,617	\$3,044,885	\$4,246,902	\$4,206,820	\$1,161,935
Other Compensation	1,406,949	548,109	1,486,956	401,267	401,267	(1,085,689)
Related Benefits	621,439	670,979	744,877	762,315	778,634	33,757
Total Operating Expenses	585,773	710,095	885,762	975,050	877,876	(7,886)
Professional Services	721,176	1,242,534	1,253,601	1,104,732	1,083,071	(170,530)
Total Other Charges	360,416	1,012,209	808,961	806,818	750,992	(57,969)
Total Acq. & Major Repairs	201,088	218,250	218,250	220,318	160,968	(57,282)
TOTAL EXPENDITURES AND REQUEST	<u><u>\$6,299,445</u></u>	<u><u>\$8,214,793</u></u>	<u><u>\$8,443,292</u></u>	<u><u>\$8,517,402</u></u>	<u><u>\$8,259,628</u></u>	<u><u>(\$183,664)</u></u>
AUTHORIZED FULL-TIME						
EQUIVALENTS: Classified	0	0	0	0	0	0
Unclassified	61	69	69	101	97	28
TOTAL	<u><u>61</u></u>	<u><u>69</u></u>	<u><u>69</u></u>	<u><u>101</u></u>	<u><u>97</u></u>	<u><u>28</u></u>

The Total Recommended amount above includes \$2,080,346 of supplementary recommendations for legal services and 30 positions. This item is contingent upon Revenue Sources in excess of the Official Revenue Estimating Conference Forecast subject to Legislative approval and recognition by the Revenue Estimating Conference.

SOURCE OF FUNDING

This program is funded from the State General Fund, Interagency Transfers, Fees and Self-generated Revenues, Statutory Dedications and Federal Funds. Fees and Self-generated Revenues are derived from fees charged for the collection of delinquent student loans. Interagency Transfers are derived from various state agencies for legal services. Statutory Dedications are derived from the Louisiana Fund for legal services related to the Tobacco Settlement Litigation. Federal Funds are derived from the Department of Housing and Urban Development for the Administration and Enforcement of the Louisiana open housing law. (Per R.S. 39.32B. (8), see table below for a listing of expenditures out of each Statutory Dedicated Fund.)

Louisiana Fund	ACTUAL	ACT 10	EXISTING	CONTINUATION	RECOMMENDED	RECOMMENDED
	1998-1999	1999- 2000	1999- 2000	2000 - 2001	2000 - 2001	OVER/(UNDER)
	<u>\$0</u>	<u>\$331,215</u>	<u>\$331,215</u>	<u>\$340,794</u>	<u>\$339,859</u>	<u>EXISTING</u>
						\$8,644

ANALYSIS OF RECOMMENDATION

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$4,743,840	\$8,214,793	69	ACT 10 FISCAL YEAR 1999-2000
			BA-7 TRANSACTIONS:
\$176,389	\$228,499	0	Non-Recurring Carryforward BA-7 for Professional Services
\$4,920,229	\$8,443,292	69	EXISTING OPERATING BUDGET – December 3, 1999
\$98,862	\$136,034	0	Unclassified State Employees Merit Increases for FY 2000-2001
\$0	\$0	0	Risk Management Adjustment
\$105,350	\$220,318	0	Acquisitions & Major Repairs
(\$101,282)	(\$218,250)	0	Non-Recurring Acquisitions & Major Repairs
(\$176,389)	(\$228,499)	0	Non-Recurring Carry Forwards
\$63,260	\$63,260	0	Salary Base Adjustment
\$0	(\$74,274)	0	Attrition Adjustment
(\$51,978)	(\$51,978)	(4)	Personnel Reductions
(\$109,907)	(\$109,907)	0	Salary Funding from Other Line Items
\$0	\$6,008	0	Other Adjustments - Reduction of Means of Finance (IAT and Fees and Self-generated Revenues) to anticipated collections
\$73,624	\$73,624	0	Other Adjustments - Required rent (Office Space) increase
\$0	\$0	32	Other Adjustments - Increase of the Total Authorized positions previously listed in Other Charges. (These positions have been in Other Charges for several years and are now considered permanent.)
\$4,821,769	\$8,259,628	97	TOTAL RECOMMENDED
(\$2,080,346)	(\$2,080,346)	(30)	LESS GOVERNOR'S SUPPLEMENTARY RECOMMENDATIONS
\$2,741,423	\$6,179,282	67	BASE EXECUTIVE BUDGET FISCAL YEAR 2000-2001

			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON SALES TAX RENEWAL:
\$0	\$0	0	None
\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON SALES TAX RENEWAL
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE:
\$2,080,346	\$2,080,346	30	Funding provided for legal services and 30 positions
\$2,080,346	\$2,080,346	30	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE
\$4,821,769	\$8,259,628	97	GRAND TOTAL RECOMMENDED

The total means of financing for this program is recommended at 97.8% of the existing operating budget. It represents 92.0% of the total request (\$8,980,834) for this program. At the recommended level of funding, approximately the same level of services should be provided. An adjustment of thirty-two positions was made in this Program to properly reflect positions previously shown as Wage personnel but should have been shown as a part of the Program's authorized personnel count.

PROFESSIONAL SERVICES

\$350,000	Legal Services for Shell Offshore vs State of La.
\$75,000	Legal Services for review of legal issues relating to non-profit Hospitals
\$250,000	Legal Services for Shell Offshore Vs State of La.
\$50,000	Computer Consulting for PC based collections system
\$358,071	Other Legal Services as deem necessary to carry out the mission of the Department
\$1,083,071	TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$124,000	Juvenile Justice Project, salary, related benefits and attendant expenses for one assistant Attorney General
\$293,000	Advocacy for the Elderly (Ombudsman Project)
\$315,000	Review of sales, transfers of Titles of Non-profit Hospitals, and other legal services for Boards and Commissions
\$18,992	Court Reporters, Dispositions, Travel of Witnesses, Court Cost, Etc.
\$750,992	TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$59,000	Library Reference Materials
\$101,968	Replacement of Broken or Outdated Computer equipment and/or Office Furniture
\$160,968	TOTAL ACQUISITIONS AND MAJOR REPAIRS